

TYPE II LAND DIVISION REVIEW, STAFF REPORT & DECISION

Form DS1200 PLD



Project Name: WALTER EK CLUSTER SHORT PLAT

Case Numbers: PLD2009-00058

Location: North Side of NE 259th Street, on the East side of the property at 19734 NE 259th Street.

Request: The applicant is requesting approval to divide 20.2 acres located in the Rural (R-5) zone into four lots utilizing the rural cluster development provisions.

Applicant: HFI Consultants
Dave Halme
10 South Parkway Avenue, Suite 201
Battle Ground, WA 98604
(360)723-5525; (360)723-5522 fax
dave@hficonsultants.com

Contact Person: Same as applicant

Property Owner: Walter Ek
19734 NE 259th Street
Battle Ground, WA 98604

DECISION

Approved, subject to Conditions

DS Manager's Initials: *MB*

Date Issued: March 3, 2010

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 <u>Ext.</u>	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer: (Trans. & Stormwater):	Brad Hazen	4346	Brad.hazen@clark.wa.gov

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Wetlands Biologist:	Brent Davis	4152	Brent.davis@clark.wa.gov
Manager:	Mike Butts	4137	Michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Sue Stepan	4064	Sue.stepan@clark.wa.gov
Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Rural Residential (R-5)

Parcel Number: Tax Lot 134 (233822-000) Located in the SW Quarter of Section 20, Township 4 North, Range 3 East of the Willamette Meridian.

Applicable Laws:

Clark County Code 15.12 (Fire Prevention); 40.210.020 (Rural Districts); 40.350 (Transportation & Circulation); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.385 (Stormwater and Erosion Control); 40.440 (Habitat Conservation); 40.450 (Wetland Protection); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); Title 24 (Public Health), and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

This site is not located within the boundaries of any county-recognized neighborhood association.

Time Limits:

The application was determined to be fully complete on December 8, 2009. The application was on hold for 8 days for the applicant to submit additional items. Therefore, the County Code requirement for issuing a decision within 78 days lapses on March 4, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on April 15, 2010.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was waived.

The fully complete application was submitted on December 4, 2009 and determined to be fully complete on December 8, 2009. Given these facts the application is vested on December 4, 2009.

Public Notice:

Notice of application was mailed to the applicant, the Neighborhood Advisory Council of Clark County, and owners of property located within 300 feet of the site on November 6, 2009.

Public Comments:

No written public comments have been received by the county in response to the Public Notice.

Project Overview

The subject parcel is 19.77 acres and contains an existing 900 square foot dwelling, a pole barn, a sawmill, and a utility building. All existing structures are proposed to be retained.

The property is proposed to be divided into four lots in accordance with the rural cluster development provisions. A substantially similar proposal was granted preliminary approval in March of 2003 (PLD2002-00015); however, the applicant failed to obtain final plat approval before the 5-year preliminary approval expired. Therefore, this new application has been submitted. (The applicant complains in the submitted narrative that the county provided no notice that the project was about to expire. However, although such notice is not required, the county's case file does contain a copy of a letter to the property owner dated March 5, 2007 providing such courtesy notice.)

The site is bounded on the south by NE 259th Street, which provides current access to the property. A shared driveway easement along the south portion of the west property boundary is proposed for access to Lots 2, 3, and 4. Lot 1 will share a driveway with the abutting parcel to the east. The two driveways currently exist.

The site is primarily forested and contains a pond and a habitat area protected under the county Habitat Ordinance.

The abutting parcel on the west contains a residence and is also owned by the same property owner as the site. The other surrounding parcels are also rural residential lots.

The site is located within the Battle Ground School District and Fire District #3.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Direction	Comp Plan	Zoning	Current Land Use
Site	Rural Residential (R-5)	Rural Residential (R-5)	Residential
North	Rural Residential (R-5)	Rural Residential (R-5)	Residential
East	Rural Residential (R-5)	Rural Residential (R-5)	Residential
South	Rural Residential (R-10)	Rural Residential (R-10)	Residential
West	Rural Residential (R-5)	Rural Residential (R-5)	Residential

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1 Development Standards

CCC 40.210.020(D) contains standards for rural cluster development. Three cluster lots and one remainder lot are created through this proposal, with the remainder lot comprising more than 65% of the site, as required.

The cluster lots must be a minimum of one acre (43,560 sq ft) in area. Proposed Lot 2 is 98 square feet short of the minimum, otherwise the cluster lots comply with minimum size and dimensional criteria, as proposed. (see Condition D-1)

The proposal complies with the maximum density of one dwelling per 5 acres, based on 110% of the gross area of the site in accordance with CCC 40.210.020(D)(3)(a). The proposed density is one dwelling per 5.44 acres.

The remainder lot will contain all critical areas and their buffers, as required.

The applicable setbacks for structures in cluster developments in the R-5 zone, in accordance with Table 40.210.020-5, are as follows:

- Front – 20 feet (50 feet for agriculture buildings)
- Side – 20 feet (50 feet for agriculture buildings)
- Rear – 20 feet (50 feet for agriculture buildings)

The revised preliminary plat identifies building envelopes correctly depicting the 20-foot setback lines. One existing structure does not meet the applicable setback.

The 565 square foot storage building is shown to be located 17 feet from the proposed lot line between lots 3 & 4. The plat is not allowed to create a non-conforming setback; therefore, a condition requiring the situation to be reconciled is warranted. The other existing structures are shown to be in compliance with applicable setbacks. (see Condition D-2)

The maximum building height for residential buildings is 35 feet. Compliance with setbacks and building height standards for the new cluster lots will be reviewed in conjunction with the building permit for any new structure.

Finding 2 Design Requirements

The following design requirements and restrictions in CCC 40.210.020(D)(5) are required to be recorded on the plat (see Conditions D-6.a, b, & c.):

1. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
2. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
3. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

Finding 3 Landscaping

In cluster developments, landscaping to reduce the views of the cluster lots from the public right-of-way is required, in accordance with CCC 40.210.020(D)(6). A landscape buffer is required along the NE 259th Street frontage of Lots 1 & 2. This buffer shall consist of a combination of trees and shrubs providing a 6-foot high, 50% opaque year around screen.

The applicant has not submitted a landscape plan or otherwise addressed this requirement, except to show a building envelope for Lots 1 and 2 that is set back 50 feet from the NE 259th Street right-of-way. Staff observed in a site visit that the existing native vegetation located within the 50-foot proposed setback will provide the required filtered view from the right-of-way. A condition is warranted that will ensure the preservation and maintenance of the screening buffer. (see Condition D-6.d.)

Finding 4 SEPA Determination

The proposed short plat is not exempt from SEPA review due to the existence of wetlands on the site. A SEPA Determination of Non-Significance was previously issued on March 19, 2003 for this proposal. Although the previous preliminary plat approval expired after five years, the SEPA determination is still valid, provided that the scope of the proposal has not substantially changed.

Staff finds that the current short plat proposal is the same as that for which the previous DNS was issued.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 5 Archaeology

Much of the site is mapped on county archaeological predictive maps as having a high potential for containing artifacts.

An archaeological predetermination on the site was previously conducted for the applicant by Archaeological Services of Clark County (ARC2002-00020). The results were negative and no further archaeological work is necessary. A note on the construction plans and plat is warranted in the event of inadvertent discovery of archaeological or cultural materials. (see Conditions A-1.a & D-6.e.)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the archaeology requirements of the Clark County Code.

HABITAT:

Finding 6 Habitat Conservation Zone

The revised preliminary plat (Exhibit #6) proposes building envelopes that clearly avoid Priority Habitat and Species areas located within the site. No further habitat review is required if the building envelopes and a note that clearing outside the development envelope will require a Habitat Permit are shown on the Final Plat as proposed. (see Condition D-6.f.)

Conclusion (Habitat):

Staff finds that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the habitat requirements of the Clark County Code.

TRANSPORTATION:

Finding 7 Roads

NE 259th Street is a Rural Local Access Roadway. Frontage improvements are exempt in the rural area, but right-of-way dedication is required. Minimum country right-of-way for this roadway is a 25 foot half-width. The applicant's surveyor has stated that there is an existing 30-foot half-width right-of-way along the property.

The existing right-of-way meets minimum county requirements; therefore, no conditions are warranted for this finding.

Finding 8 Access

Joint driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface within a minimum 20 foot wide easement. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet.

There are two existing joint driveways on this short plat. Clark County Code states joint driveways shall be paved back a minimum of 20 feet from the edge of NE 259th Street or to the edge of right-of-way, whichever is greater. The applicant has already installed both joint driveways under the grading permit (GRD2004-00025). However, the county record shows that the grading permit has never been finalized. The applicant shall propose any required work on the final transportation plan to be reviewed and approved by the county. (see Condition A-2.a.)

Finding 9 Sight Distance

Clark County sight distance requirements for these joint driveways are 500 feet measured 15 feet back from the edge of travel lane per CCC 40.350.030(B)(8). Clark County staff has measured the existing sight distance at both of the joint driveways and has determined that both driveways have deficient sight distances at the intersection with NE 259th Street. The western joint driveway can achieve code compliance by removing the trees in the sight distance triangles. The eastern joint driveway can achieve code compliance looking to the west by removing the trees. The eastern joint driveway looking to the east cannot achieve code compliance within the existing County right-of-way. County staff has contacted the applicant's consultant, HFI Consultants, and has asked if the adjoining property owners would allow some of their trees to be removed to create a sight distance easement for the applicant. HFI Consultants have indicated that they have contacted the adjoining property owners and the owners have stated they will not allow their trees to be cut to establish an easement. Therefore, legally the most obtainable sight distance to the east would be achieved if the applicant would remove all trees and obstructions in the county right-of-way to the east of this joint driveway. This will improve the current sight distance for approximately 170 feet for a total of approximately 385 feet to the east. It is also noted that this existing joint driveway is already serving an existing home to the east and is not a part of this application. Therefore, the applicant is only required to achieve maximum sight distance possible in all existing county right-of-way to the east of this existing joint driveway. (see Condition A-2.b.)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to the conditions referenced above, meets or can meet the transportation requirements of the Clark County Code.

STORMWATER:

Finding 10 Applicability

In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), new development and redevelopment within the rural area that add or replace impervious area of greater than two thousand (2,000) square feet and less than five percent (5%) of a site, or that are a land-disturbing activity greater than seven thousand (7,000) square feet, are subject to the minimum requirements, dependent on site-specific characteristics.

- (1) Minimum requirements No. 1 through No. 5 shall apply if the project meets all of the following criteria:
 - (a) Is outside of habitat or wetland areas or their buffers; and
 - (b) Does not generate runoff in channelized flow or discharge directly or indirectly to the county's storm sewer system; and,
 - (c) Is not located in, and does not discharge onto, steep slope hazard areas or landslide hazard areas as designated in Section 40.430.010.
- (2) Projects not meeting all of the criteria in Section 40.385.020(A)(5)(b)(1) shall be subject to minimum requirements No. 1 through No. 10.

Finding 11 Stormwater Proposal

The applicant has submitted a preliminary stormwater report stating that this project is subject to Stormwater Minimum Requirements #1 through #10, as applicable to the project. The stormwater report proposes to fully disperse runoff to meet these requirements. All future stormwater systems will be privately owned and maintained. (see Conditions D-5.a, & E-1)

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible, subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:¹

Finding 12 Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available within 1,000 feet of the property line, estimated at 800 gpm.

¹ This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 13 Fire Hydrants

Fire hydrants are required for this application. The indicated fire hydrant is adequate.

Finding 14 Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (see Condition A-4.a.)

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Condition A-4.b.)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 15 Water Service

The site will be served by Clark Public Utilities for public water. The applicant submitted a utility review from CPU confirm that services are available to the site and stating the connection requirements. Prior to final plat approval, the applicant shall provide documentation from CPU verifying that water connections to the lots have been installed and approved. (see Condition D-3)

Finding 16 Sewer Service

The proposed lots will be served by individual on site sewage systems. Permits for these systems will be obtained from the Clark County Health Department.

Finding 17 Health Department

The applicant submitted a Development Review Evaluation dated February 8, 2002, performed by the Clark County Health Department (Exhibit #2, Tab 16). The evaluation is satisfactory for the proposed 4-lot cluster short plat, subject to conditions. (see Condition D-4 & D-6.k.)

The applicant also submitted a copy of an On-site Sewage Soil & Site Evaluation Results Letter from the Health Department indicating approved test holes for each lot. A copy of a current on-site sewage treatment system for the existing dwelling, which will be on Lot 4, the remainder lot, was submitted as well.

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets or can meet the water and sewer service requirements of the Clark County Code.

IMPACT FEES:**Finding 18 Impact Fees**

The additional residential lots created by this plat will produce impacts on schools and traffic; and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

The site is within:

- Battle Ground School District, with a SIF of \$9,880.00 per dwelling;
- Rural 2 TIF sub-area with a TIF of \$593.82 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new cluster lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions D-5.d. & E-3)

Staff Contact Person: Alan Boguslawski, (360) 397-2375, ext. 4921.

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the revised plan (identified as Exhibit #6), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
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A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (see Finding 5)

A-2 Final Transportation Plan - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. All joint driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface within a minimum 20 foot wide easement. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet per standard detail drawing #33. The applicant's engineer shall show all this information on the engineering drawings. (see Finding 8)
- b. The applicant's engineer shall certify the maximum sight distance obtained within county right-of-way after all the trees have been removed within county right-of-way sight distance triangles for both joint driveways. (see Finding 9)
- c. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-3 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

A-4 Fire Marshal Requirements:

- a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (see Finding 14)
- b. New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be

provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Finding 14)

- A-5 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Lot Size** – The plat shall be modified as necessary to increase the area of Lot 2 to a minimum of 43,560 square feet. (see Finding 1)
- D-2 Setbacks** – The existing pole building located at the south end of proposed Lot 4 shall be moved or removed, or the plat shall be amended as necessary to provide a 20-foot setback for said building. (see Finding 1)
- D-3 Public Water** - Prior to final plat approval, the applicant shall provide documentation from Clark Public Utilities verifying that water connections to the lots have been installed and approved. (see Finding 15)

D-4 On-Site Sewage System Requirements - For on-site sewage systems, the following requirements shall be completed (see Finding 17):

- a. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;
- b. Each on-site sewage system shall be on the same lot it serves;
- c. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- d. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- e. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- f. A copy of the County approved final drainage plan shall be submitted for review; and,
- g. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

D-5 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Stormwater Inspection – If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual on-site stormwater systems with prior notification. (see Finding 11)
- b. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for the new dwellings in this short plat are: \$9,880.00 (Battle Ground School District) and \$593.82 (Rural 2 TIF District), respectively.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said

expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 18)

D-6 Plat Notes - The following notes shall be placed on the final plat:

- a. "No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping." (see Finding 2)
- b. "Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque." (see Finding 2)
- c. "To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features." (see Finding 2)
- d. Landscaping: "Vegetation shall be maintained within the setback area of Lots 1 & 2 abutting NE 259th Street. This buffer shall consist of a combination of trees and shrubs providing a 6-foot high, 50% opaque year around screen, in accordance with CCC 40.210.020(D)(6)." (see Finding 3)
- e. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (see Finding 5)
- f. Habitat: "No clearing shall occur outside the building envelopes designated on this plat without prior approval of a Clark County Habitat Conservation Clearing Permit." (see Finding 6)
- g. Access: "Only Lots 2, 3 and 4 of this short plat shall have direct access to the westerly joint driveway."
- h. Access: "Only Lot 1 of this short plat and adjacent Parcel 233740 shall have direct access to the easterly joint driveway."
- i. Stormwater: "At the time of building permit application for each lot, the home owner must submit a stormwater plan for review and obtain approval for the onsite stormwater control system."

- j. Building Envelope Note: "If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted."
- k. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function." (see Finding 17)
- l. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of building permits for Lots 1, 2 & 3 the following conditions shall be met:

E-1 Stormwater Requirements - At the time of building permit application, the home owners must submit a stormwater plan for review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot has been pre-designed and approved with the final plat. (see Finding 11)

E-2 Fire Marshal Requirements - Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

E-3 Impact Fees – The applicant shall pay impact fees as follows:

- a. \$9,880.00 per dwelling for School Impact Fees (Battle Ground School Dist.)
- b. \$593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF District)

If the building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 18)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** The applicant shall complete all work in accordance with the final approved engineering drawings and shall obtain approval of as-built Mylars.

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1** Within 5 years of preliminary plat approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2** **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall contact DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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- H-1** None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on March 3, 2010. Therefore any appeal must be received in this office by March 17, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

Project Name: Walter Ek Cluster Short Plat

Case Number: PLD2009-00058

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

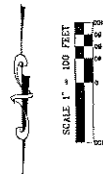
Setback Requirements by Lot

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Ag Building Setback
1 - 4	20'	20'	20'	20'	50'

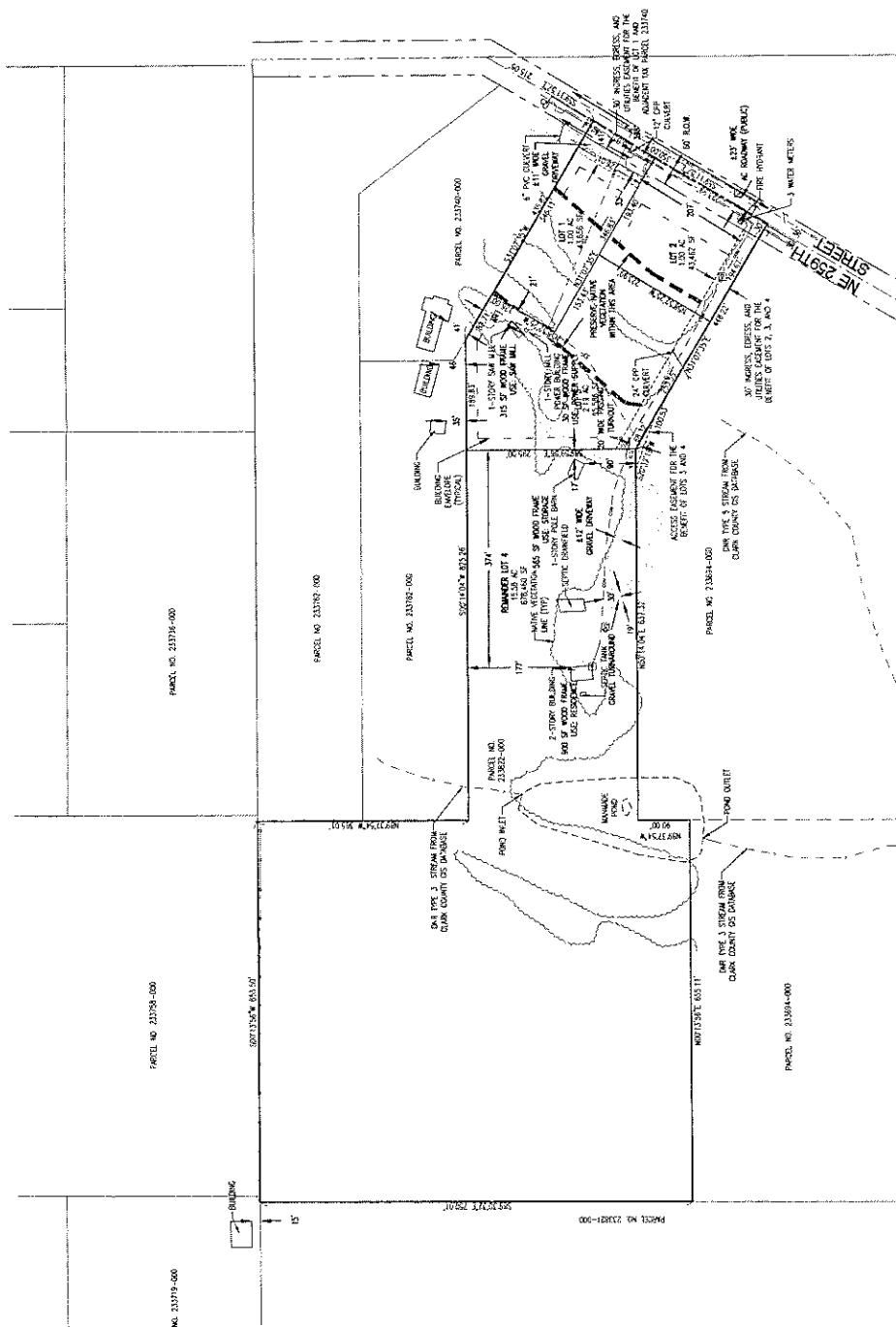
WALTER EK
19734 NE 259TH STREET
BATTLE GROUND, WA 98604
PH: 360-687-3220

AKS ENGINEERING & FORESTRY, LLC.
CONTACT: JOHN MEIER, P.E.
12011 NE 99TH STREET, SUITE 1530
VANCOUVER, WA 98682
PH: 360-882-0419
FAX: 360-882-0426
E-MAIL: john@aks-eng.com

HFI CONSULTANTS
CONTACT: DAVE HUME
10 SOUTH PARKWAY AVENUE, SUITE 201
BATTLE GROUND, WA 98604
PH: 360-723-5523
FAX: 360-723-5522
E-MAIL: dave@hificonsultants.com

 ± 19.77 AC (861.164 SF)

- [illegible]



PROPOSED IMPROVEMENTS PLAN

[illegible]

ENGINEERING • PLANNING • SURVEYING • FORESTRY
LANDSCAPE ARCHITECTURE

AKS
LANDSCAPE & FORESTRY

LOCATED IN OR, WA, CA, & AK

VACUUMATIC OFFICE
10001 NE 97TH STREET, SUITE 1510
VANCOUVER, WA 98042
TEL (206) 882-8419
FAX (206) 882-3478
WWW.AKS-USA.COM

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SEASCOAST, OREGON
RENO, WASHINGTON
RENO, OREGON
VANCOUVER, WASHINGTON
www.aksls-usa.com

SEARCHED	INDEXED	SERIAL	FILED
JUN 1964	JUN 1964	JUN 1964	JUN 1964
FBI - BOSTON			

WALTER DE
 1874 NE 25TH ST
 BATTLE CREEK, MI 49804
 PH. 360-487-3220

PREPARED FOR:

WALTER EK CLUSTER
SHORT PLAT
CLARK COUNTY WASHINGTON
APRIL NO 213572-000 31 1/4 523.14

JOB NUMBER
 PRELIMINARY PRODUCTION 1600
 SHEET
 3 OF 4

